

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA, )  
 )  
 v. ) CRIMINAL ACTION NO.  
 ) 4:21cr6  
NATHAN DeALBERT MATTOCKS, )  
 )  
 Defendant. )  
 )  
 )

TRANSCRIPT OF PROCEEDINGS  
**(Guilty Plea)**

Norfolk, Virginia

July 9, 2021

BEFORE: THE HONORABLE DOUGLAS E. MILLER  
United States Magistrate Judge

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Kenneth P. Kaplan  
Assistant United States Attorney  
Counsel for the United States

LAW OFFICE OF CHAD G. DORSK  
By: Chad Gray Dorsk  
Counsel for the Defendant

1 (Proceedings commenced at 2:04 p.m.)

2 THE CLERK: United States versus Nathan DeAlbert  
3 Mattocks, case 4:21cv6.

4 Is the government ready, Mr. Kaplan?

5 MR. KAPLAN: Good morning -- good afternoon, Madam  
6 Clerk.

7 Good afternoon, Your Honor. It's actually good to  
8 see you in person for a change.

9 THE COURT: Good to see you.

10 MR. KAPLAN: We are ready to proceed, Judge.

11 THE COURT: All right. Good to see you, too,  
12 Mr. Kaplan.

13 THE CLERK: Is the defense ready, Mr. Dorsk?

14 MR. DORSK: Yes, ma'am.

15 Good afternoon, Your Honor.

16 THE COURT: Good afternoon, Mr. Dorsk.

17 THE DEFENDANT: Good afternoon.

18 THE COURT: Good afternoon, Mr. Mattocks.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. It's my understanding that  
21 Mr. Mattocks is prepared to enter a guilty plea to two  
22 counts of the pending indictment.

23 Is that right, Mr. Dorsk?

24 MR. DORSK: Correct, Judge, yes.

25 THE COURT: Have you had time to review everything

1 with him?

2 MR. DORSK: I have.

3 THE COURT: And he's ready to go forward?

4 MR. DORSK: He is, Judge.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. We can just stay right  
7 there actually, if everybody speaks up nice and loud so the  
8 court reporter can hear.

9 MR. DORSK: Yes, sir.

10 THE COURT: Mr. Mattocks, your case is assigned to  
11 United States District Judge Rebecca Beach Smith. Judge  
12 Smith asked me to conduct a colloquy today to make sure that  
13 you understand your rights, and that you are in fact guilty.  
14 At the conclusion of these proceedings, if I find that your  
15 plea is voluntary and supported by facts, I will be entering  
16 an order accepting your plea, and you will not be able to  
17 change it or withdraw it after that without showing special  
18 circumstances.

19 Do you understand this?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Because of this, you're entitled to  
22 insist that Judge Smith or another district judge conduct  
23 the proceedings. Because I'm a magistrate judge, I have to  
24 obtain your consent to conduct them.

25 Do you understand?

1                   THE DEFENDANT: Yes, sir.

2                   THE COURT: Did you review and sign this consent?

3                   THE DEFENDANT: Yes, I did.

4                   THE COURT: And did Mr. Dorsk answer any questions  
5 you had about it before you signed?

6                   THE DEFENDANT: In its entirety, yes, sir.

7                   THE COURT: And, Mr. Dorsk, did you also join in  
8 the consent?

9                   MR. DORSK: Yes, Your Honor.

10                  THE COURT: Mr. Kaplan, on behalf of the United  
11 States did you agree to proceed before a magistrate judge?

12                  MR. KAPLAN: Yes, Your Honor, I did.

13                  THE COURT: All right. We'll file the consent and  
14 go forward.

15                  Before accepting your plea, Mr. Mattocks, the Court  
16 must inform you of your rights to make sure you understand  
17 them and that you are guilty. To do that, in a moment I'm  
18 going to ask the clerk to place you under oath, and I'll ask  
19 you a series of questions. It's important that you  
20 understand my questions. So if you don't understand them  
21 for any reason, please don't answer, but ask me to rephrase  
22 the question.

23                  Will you agree to do that?

24                  THE DEFENDANT: Yes, sir.

25                  THE COURT: You may confer with Mr. Dorsk at any

1 time, and I'm sure he's already prepared you for my  
2 questions. But your answers today must be your own answers  
3 based on your understanding of the question.

4 Do you understand this?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Finally, if your answers later prove to  
7 be false and material to the proceedings, those answers may  
8 be used against you in a prosecution for perjury or false  
9 statement.

10 Do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right, Ms. Dodge. Would you please  
13 swear the defendant.

14 THE CLERK: Raise your right hand, please.

15 (The defendant was sworn.)

16 NATHAN DeALBERT MATTOCKS, the defendant, having  
17 been first duly sworn, was examined and testified as  
18 follows:

19 EXAMINATION

20 BY THE COURT:

21 Q. If you could speak directly into the microphone,  
22 Mr. Mattocks.

23 A. Yes, sir.

24 Q. Is your correct name Nathan DeAlbert Mattocks?

25 A. Yes, sir, it is.

1 Q. Are you the person named in a superseding indictment  
2 bearing number 4:21cr6?

3 A. Yes, sir, I am.

4 Q. How old are you?

5 A. 37.

6 Q. How far did you go in school?

7 A. GED.

8 Q. Have you ever been treated for any mental illness or  
9 addiction to narcotic drugs?

10 A. No, sir.

11 Q. Have you received a copy of the superseding indictment  
12 pending in the case?

13 A. Yes, sir.

14 Q. Have you read this indictment and discussed the charges  
15 with Mr. Dorsk?

16 A. Yes, sir, we have.

17 Q. The superseding indictment charges you with eight counts,  
18 and it's my understanding you've agreed to plead guilty to  
19 Counts 1 and 6.

20 Is that your understanding?

21 A. Yes, sir, it is.

22 Q. I am going to explain these two charges as well as the  
23 elements the United States would have to prove to convict you  
24 if the case went to trial.

25 Do you understand?

1 A. Yes, sir.

2 Q. Count 1 charges conspiracy to distribute and possess with  
3 intent to distribute Schedule I and II narcotics, which is a  
4 violation of Title 21, United States Code, Section 846 and  
5 841(a)(1) and (b)(1)(C). To convict you of this offense the  
6 United States would have to prove each of these elements  
7 beyond a reasonable doubt:

8 First, that in the Eastern District of Virginia an  
9 agreement was formed between at least two persons for the  
10 unlawful purpose of distributing and possessing with intent  
11 to distribute controlled substances, namely heroin, cocaine,  
12 methamphetamine, and fentanyl;

13 Second, the government would have to show that you  
14 knew of the unlawful purpose of this agreement and willfully  
15 joined in the agreement intending to further its unlawful  
16 purpose;

17 Third, the Government would have to show at least one  
18 member of the conspiracy committed at least one overt act, or  
19 did something to further the unlawful purpose of the  
20 agreement.

21 Do you understand all of the elements the United  
22 States would have to prove to convict you on this charge?

23 A. Yes, sir.

24 Q. The maximum penalty provided on the conspiracy count is  
25 20 years in prison, a fine of up to \$1 million, forfeiture of

1 assets, a \$100 special assessment, and three years of  
2 supervised release.

3 Do you understand the penalty provisions?

4 A. Yes, sir.

5 Q. Count 6 charges you with possessing, using, brandishing,  
6 and discharging a firearm during and in relation to a drug  
7 trafficking offense, which is a violation of Title 18, United  
8 States Code, Section 924(c) (1) (A). To convict you of this  
9 offense the United States would have to prove each of these  
10 elements beyond a reasonable doubt:

11 First, that you committed a drug trafficking offense  
12 for which you could be prosecuted under the laws of the  
13 United States, and this would include the offense of the  
14 conspiracy to distribute and possess with intent to  
15 distribute controlled substances;

16 Second, the Government would have to show that during  
17 and in relation to the commission of this offense you  
18 knowingly discharged a firearm.

19 Do you understand the elements that the United States  
20 would have to prove to convict you of this offense?

21 A. Yes, sir.

22 Q. The maximum penalty provided for this offense is life in  
23 prison, a fine of up to \$250,000, forfeiture of assets, a  
24 \$100 special assessment, and five years of supervised  
25 release.

1                   In addition, if the government proves that the  
2 firearm that you had was discharged, the offense carries a  
3 mandatory minimum 10-year prison term.

4                   Do you understand the penalty provisions?

5                   A. Yes, sir.

6                   Q. The case also involves forfeiture, which is discussed in  
7 your plea agreement at paragraphs 10, 11, and 12. Do you  
8 understand that the Court may require you to forfeit or turn  
9 over property to the government if the property was used to  
10 commit illegal activity or obtained with proceeds from  
11 illegal activity?

12                  A. Yes, sir.

13                  Q. These offenses are both felonies, and if your plea is  
14 accepted, and you're later found guilty, each of those  
15 convictions may deprive you of valuable civil rights,  
16 including the right to vote, to hold public office, serve on  
17 a jury, or possess a firearm.

18                  Do you understand?

19                  A. Yes, sir.

20                  Q. Also, the cost of your prosecution and the cost of your  
21 incarceration, supervision or probation may be assessed  
22 against you if the Court determines you have the funds to pay  
23 those costs.

24                  Do you understand this?

25                  A. Yes, sir.

1 Q. You'll also be required to pay a \$100 special assessment  
2 for each count of conviction, and this is required whether or  
3 not you have the ability to pay.

4                   Do you understand?

5 A. Yes, sir.

6 Q. Are you aware that the special assessment is due prior to  
7 sentencing in the case?

8 A. Yes, sir.

9 Q. In addition to any period of incarceration the Court  
10 imposes, there may be a period of supervised release. And  
11 for a conviction on Count 1, that period is three years, and  
12 on Count 6 five years. If you're placed on supervised  
13 release and violate any of the conditions imposed on you,  
14 that may subject you to an additional term of incarceration.

15                   Do you understand?

16 A. Yes, sir.

17 Q. Mr. Mattocks, I have on the bench a document labeled Plea  
18 Agreement, which appears to have initials on each page in the  
19 lower right-hand corner.

20                   Did you review this Plea Agreement?

21 A. Yes, sir, I did.

22 Q. And are these your initials on each page in the lower  
23 right-hand corner?

24 A. Yes.

25 Q. And did you sign the agreement on page 12?

1 A. Yes, sir, I did.

2 Q. Did you review all of the terms of this agreement with  
3 your attorney?

4 A. Yes, I have.

5 Q. And do you understand everything contained in the  
6 document?

7 A. Yes, sir, I do.

8 Q. Do you have any questions for me about it at this time?

9 A. No, sir. I do not.

10 THE COURT: Mr. Dorsk, did you review, initial, and  
11 sign the Plea Agreement?

12 MR. DORSK: I did, Your Honor.

13 THE COURT: And did Mr. Mattocks review it in your  
14 presence?

15 MR. DORSK: Yes, sir.

16 THE COURT: Mr. Kaplan, on behalf of the United  
17 States did you review, initial, and sign the Plea Agreement?

18 MR. KAPLAN: Yes, Judge, I did.

19 THE COURT: And, Mr. Kaplan, other than the offer  
20 contained in this plea agreement, were any other plea offers  
21 extended to Mr. Mattocks in the case?

22 MR. KAPLAN: No, Your Honor.

23 THE COURT: Mr. Dorsk, can you confirm this is the  
24 only offer that Mr. Mattocks received?

25 MR. DORSK: Yes, sir. That's correct.

1 BY THE COURT:

2 Q. Mr. Mattocks, do you understand that you have a right to  
3 plead not guilty to these charges?

4 A. Yes, sir, I do.

5 Q. And if you have already entered a not guilty plea, you  
6 have a right to persist in that plea and go to trial.

7 Do you understand?

8 A. Yes, sir, I do.

9 Q. If you were to plead not guilty, you may not be compelled  
10 to testify. And if you decide not to testify, the prosecutor  
11 may not comment on your decision in any way, and neither the  
12 Court nor the jury may draw any inference or conclusion from  
13 your decision not to testify.

14 Do you understand this right?

15 A. Yes, sir, I do.

16 Q. If you were to plead not guilty, you would have the right  
17 to a speedy public trial by jury. At that trial you would  
18 have the right to the assistance of an attorney, the right to  
19 confront and cross-examine the witnesses against you, and you  
20 cannot be required to incriminate yourself.

21 Do you understand these rights?

22 A. Yes, sir.

23 Q. And do you understand by pleading guilty you give up  
24 these rights?

25 A. Yes, sir.

1 Q. If you were to plead not guilty, the United States would  
2 have the burden of proof to prove you guilty beyond a  
3 reasonable doubt.

4                   Do you understand?

5 A. Yes, sir.

6 Q. In order to convict you, the Government would have to  
7 persuade every member of a 12-person jury of your guilt by  
8 competent evidence.

9                   Do you understand the verdict would have to be  
10 unanimous?

11 A. Yes, sir.

12 Q. At trial you would have the right to use the power and  
13 process of this court to compel the production of evidence,  
14 including the attendance of witnesses on your behalf. But if  
15 the Court accepts your guilty plea, you'll lose that right.

16                   Do you understand?

17 A. Yes, sir.

18 Q. If you continue in your desire to plead guilty, the Court  
19 may ask you questions about these offenses, and about your  
20 conduct which gave rise to these charges.

21                   Do you understand this?

22 A. Yes, sir.

23 Q. And if you answer these questions under oath, and your  
24 answers later prove to be false, those answers may be used  
25 against you in a prosecution for perjury or false statement.

1                   Do you understand?

2   A. Yes, sir.

3   Q. Do you feel that any of your constitutional rights have  
4   been violated in any way in connection with the seizure of  
5   any evidence in this case?

6   A. No, sir.

7   Q. Do you feel that any of your constitutional rights have  
8   been violated with regard to the taking of any statement from  
9   you?

10   A. No, sir.

11   Q. Do you feel that any of your constitutional rights have  
12   been violated by any person in connection with the  
13   prosecution of the case so far?

14   A. No, sir.

15   Q. Has anyone, including your attorney or the attorney for  
16   the United States, made any promise of leniency or any  
17   promise of any kind in return for your plea, other than what  
18   is contained in your written plea agreement?

19   A. No, sir.

20   Q. Has anyone threatened you in any way or tried to force  
21   you to plead guilty?

22   A. No, sir.

23   Q. Do you understand if the prosecution agrees to recommend  
24   a particular sentence in the case, that recommendation will  
25   not be binding on the Court when you are sentenced?

1                   Do you understand?

2   A. Yes, sir.

3   Q. In other words, there isn't any recommendation language,  
4   or at least no binding recommendation in the Plea Agreement.

5                   Do you understand?

6   A. Yes, sir.

7   Q. In order for any recommendation to bind the Court, it  
8   would have to be agreed to in the written agreement and  
9   accepted by the trial judge.

10                  Do you understand?

11   A. Yes, sir.

12   Q. Have you had the opportunity to discuss your case with  
13   Mr. Dorsk?

14   A. Yes, sir, I have.

15   Q. Have you discussed all of the facts of the case with him?

16   A. Yes, sir, I have.

17   Q. Are you satisfied he's fully considered the facts, and  
18   discussed with you any possible defenses you may have?

19   A. Yes, sir, he has.

20   Q. Do you understand if you are sentenced to prison for  
21   these offenses, there is no parole in the federal system?

22   A. Yes, sir, I do.

23   Q. The statutes under which you are charged set forth  
24   maximum and in one case a minimum sentence which can be  
25   imposed, but they are also subject to the Federal Sentencing

1 Guidelines, and these guidelines will be consulted by the  
2 Court when it determines the actual sentence imposed on you.

3 Do you understand?

4 A. Yes, sir.

5 Q. Are you aware the sentence recommended by the guidelines  
6 will be based in part on the actual conduct in which you  
7 engaged?

8 A. Yes, sir, I am. Yes, sir, I do.

9 Q. And this will include all of your relevant conduct, not  
10 just the minimum conduct necessary to establish the elements  
11 of these two counts.

12 Do you understand?

13 A. Yes, sir.

14 Q. The guidelines also take into account the victim or  
15 victims of your offense, the role that you played, whether or  
16 not you engaged in any obstruction of justice, or have  
17 accepted responsibility for your acts.

18 Do you understand?

19 A. Yes, sir.

20 Q. Do you understand that your criminal history is an  
21 important factor in applying the guidelines?

22 A. Yes, sir, I do.

23 Q. Although the guidelines are only advisory, the Court will  
24 give great consideration to the sentence the guidelines  
25 recommend.

1                   Do you understand?

2   A. Yes, sir.

3   Q. After today's hearing, but prior sentencing, a  
4   presentence report is going to be prepared by the probation  
5   office. This presentence report will set forth your personal  
6   history as well as the facts underlying this case.

7                   Do you understand?

8   A. Yes, sir.

9   Q. Do you understand that until this presentence report is  
10   completed, it is impossible for either the Court or your  
11   attorney to know precisely what sentence range will be  
12   prescribed by the guidelines?

13   A. Yes, sir, I do.

14   Q. Sometimes the Court has to resolve disputes that arise  
15   about information in the presentence report, and resolving  
16   those disputes may affect how the guidelines apply in your  
17   case.

18                   Do you understand?

19   A. Yes, sir, I do.

20   Q. Have you discussed the guidelines with Mr. Dorsk?

21   A. As much as possible, yes.

22   Q. And has he explained the considerations which will  
23   eventually go into determining how the guidelines apply?

24   A. Yes for both ways.

25   Q. Do you understand at this point it's unlikely that

1       Mr. Dorsk can be specific about a range, because he has not  
2       seen the presentence report?

3       A. Yes, sir.

4       Q. And do you understand you will not be permitted to  
5       withdraw or change your plea on the grounds that your  
6       attorney's estimate of the guideline range later proves to be  
7       inaccurate?

8       A. Yes, sir.

9       Q. Under some circumstances you or the United States may  
10       have the right to appeal, and in general you would have the  
11       right to appeal your conviction and your sentence, and to  
12       proceed without paying a filing fee if you qualified for  
13       indigent status. However, in your plea agreement, page 4,  
14       numbered paragraph 6, there is a written provision in which  
15       you waive your right to appeal your conviction and any  
16       sentence that the Court imposes up to and including the  
17       statutory maximum.

18                   Do you understand?

19       A. Yes, sir.

20       Q. So by entering into this plea agreement and pleading  
21       guilty, you'll be giving up your right to appeal the Court's  
22       conviction or your conviction on both these charges, as well  
23       as any sentence that the Court imposes up to and including  
24       life in prison.

25                   Do you understand?

1 A. Yes, sir.

2 Q. Are you also aware that the United States has not given  
3 up any right it may have to appeal the Court's sentence?

4 A. Yes, sir.

5 Q. Are you entering this plea agreement freely and  
6 voluntarily?

7 A. Yes, sir, I am.

8 THE COURT: All right. I'll accept the Plea  
9 Agreement and ask that it be filed, and also file the  
10 attachment under seal.

11 Mr. Dorsk, has Mr. Mattocks been competent and able  
12 to cooperate with you in the case?

13 MR. DORSK: Yes, sir.

14 THE COURT: Have you discussed the facts of the  
15 case in detail with him?

16 MR. DORSK: Yes, sir.

17 THE COURT: Are you satisfied that there are no  
18 meritorious defenses he might raise, which in your opinion  
19 would result in a not guilty verdict?

20 MR. DORSK: Yes, sir.

21 THE COURT: Are you satisfied Mr. Mattocks'  
22 constitutional rights have been observed so far?

23 MR. DORSK: Yes, sir.

24 THE COURT: Are you satisfied that as the defendant  
25 stands there today he's not under the influence of any kind

1 of drug, narcotic, marijuana or alcohol?

2 MR. DORSK: Yes, sir.

3 THE COURT: Do you know of any reason of any kind  
4 which would prevent the defendant from pleading guilty to  
5 these two counts?

6 MR. DORSK: No, sir.

7 BY THE COURT:

8 Q. Mr. Mattocks, I am now going to read the two charges,  
9 Counts 1 and 6.

10 Count 1 is a conspiracy count. It's alleged over the  
11 course of six pages in the indictment. So I'm going to  
12 summarize the count, and then ask if you understand my  
13 summary. And if you don't, please tell me, and I'll read as  
14 much of the charge as necessary until you do understand.

15 Will you agree to do that?

16 A. Yes, sir.

17 Q. If you do understand my summary, then I will ask for your  
18 plea.

19 Count 1 charges that from in or about January 2020,  
20 the exact date being unknown to the grand jury, and  
21 continuously thereafter to on or about August 10, 2020, in  
22 the Eastern District of Virginia and elsewhere, the  
23 defendant, Nathan DeAlbert Mattocks, and unindicted  
24 co-conspirators one and two and others known and unknown to  
25 the grand jury did unlawfully, knowingly, and intentionally,

1 conspire, combine, confederate, and agree among themselves  
2 and with others known and unknown to the grand jury to commit  
3 one or more of the following offenses against the United  
4 States: To unlawfully, knowingly, and intentionally  
5 distribute and possess with intent to distribute a mixture  
6 and substance containing a detectable amount of heroin,  
7 cocaine, methamphetamine, and fentanyl, which are Schedule I  
8 and II narcotic controlled substances, in violation of  
9 Title 21, United States Code, Section 841(a)(1) and  
10 841(b)(1)(C).

11 The Government describes the ways, manner, and means  
12 of the conspiracy in five numbered paragraphs, including  
13 paragraph number 1 on page 3, which alleges that it was part  
14 of the conspiracy that the defendant, Nathan DeAlbert  
15 Mattocks, would and played different roles in the conspiracy,  
16 taking upon himself different tasks, and participating in the  
17 affairs of the conspiracy through various criminal acts.  
18 Some of the roles Defendant Mattocks assumed and carried out  
19 included: Organizer, manager, distributor, supplier, and  
20 facilitator of the drug trafficking conspiracy.

21 The government alleges overt acts in seven numbered  
22 paragraphs on pages 5 and 6, including paragraph number 5,  
23 which alleges that on or about August 5, 2020, in Gloucester  
24 County, Virginia, which is in the Eastern District of  
25 Virginia, the defendant, Nathan DeAlbert Mattocks, while

1 traveling in a vehicle registered to witness one possessed 87  
2 pills which contained fentanyl.

3 All of this is alleged in violation of Title 21,  
4 United States Code, Section 846, which is the conspiracy  
5 statute.

6 Now, Mr. Mattocks, having heard the summary of the  
7 charge against you in Count 1, do you understand the charge?

8 A. Yes, sir, I do.

9 Q. How do you plead to Count 1, guilty or not guilty?

10 A. Guilty.

11 Q. Count 6 charges that on or about August 5, 2020, in the  
12 Eastern District of Virginia, the defendant, Nathan DeAlbert  
13 Mattocks, did knowingly and unlawfully carry, possess,  
14 brandish, and discharge a firearm, that is a Taurus Model  
15 PT111 Pro, 9-milimeter semiautomatic pistol during and in  
16 relation to and furtherance of the drug trafficking crime for  
17 which he may be prosecuted in a court of the United States;  
18 namely, conspiracy to possess with intent to distribute  
19 Schedule I and II controlled substance, in violation of  
20 Title 21, United States Code, Section 846, as set forth in  
21 Count 1 of the superseding indictment, which description of  
22 said drug trafficking crime is realleged and incorporated by  
23 reference as if fully set forth herein, all of this in  
24 violation of Title 18, United States Code, Section  
25 924(c) (1) (A) .

1                   Now, Mr. Mattocks, having heard the charge in Count  
2 6, do you understand the charge?

3 A. Yes, sir.

4 Q. How do you plead to Count 6?

5 A. Guilty.

6 Q. Are you entering both of these guilty pleas freely and  
7 voluntarily?

8 A. Yes, sir.

9 Q. Are you pleading guilty because you are in fact guilty of  
10 both offenses?

11 A. Yes, sir.

12 Q. Mr. Mattocks, I have another document on the bench which  
13 appears to have initials on each page in the lower right-hand  
14 corner, and it's labeled Statement of facts.

15                   Did you review the Statement of Facts?

16 A. Yes, sir, I have.

17 Q. And do you understand all of the facts it contains?

18 A. Yes, sir, I have.

19 Q. Are these your initials on each page in the lower  
20 right-hand corner?

21 A. Yes. That's mine.

22 Q. And did you sign the document?

23                   Hold on one second.

24                   MR. DORSK: Your Honor, there is no signature page  
25 for the Statement of Facts. The Government does not believe

1 that we needed to provide one. However, if the Court needs  
2 one, we can certainly provide one.

3 THE COURT: I think he needs to. Well, ordinarily  
4 we need a signature page.

5 Mr. Kaplan, what's going on with the signature  
6 page?

7 MR. KAPLAN: My understanding was that we did not  
8 need a signature page, Your Honor.

9 MR. DORSK: Judge, perhaps --

10 MR. KAPLAN: It was incorporated into the Plea  
11 Agreement, which is signed.

12 MR. DORSK: Judge, perhaps we could just sign the  
13 last page, if that would satisfy the Court.

14 THE COURT: Well, I think it's going to be cleaner  
15 if we do that. I'm sorry I didn't catch this earlier on my  
16 review of the draft.

17 Mr. Kaplan, that's a new assertion. It's possible  
18 you're correct. I don't know. And since it's not my  
19 case -- I'm taking this plea for Judge Smith -- I want the  
20 record to be complete, so I am going to ask counsel and  
21 Mr. Mattocks to sign.

22 MR. DORSK: Yes, sir.

23 THE COURT: So there is room on page 5, if you  
24 could just add signatures.

25 MR. DORSK: Thank you, Judge.

1 MR. KAPLAN: Thank you.

2 BY THE COURT:

3 Q. All right, Mr. Mattocks. Is this your signature on the  
4 bottom of page 5?

5 A. Yes, sir.

6 THE COURT: And, Mr. Dorsk, did you also initial  
7 and sign the statement?

8 MR. DORSK: I did, Your Honor.

9 THE COURT: Mr. Kaplan, for the United States did  
10 you initial and sign the statement?

11 MR. KAPLAN: I did, Your Honor.

12 THE COURT: And, Mr. Kaplan, is this copy of the  
13 statement identical to what was transmitted to chambers for  
14 review?

15 MR. KAPLAN: Yes, Your Honor.

16 THE COURT: All right. Thank you.

17 BY THE COURT:

18 Q. Mr. Mattocks, the reason the Court receives a statement  
19 of facts is that it is not permitted to accept your plea  
20 without first making a finding that it is supported by facts;  
21 that is that there are facts upon which you and the United  
22 States agree that would be sufficient to support a conviction  
23 on these charges if your case went to trial.

24 Do you understand this?

25 A. Yes, sir.

1 Q. So having reviewed this statement, and understanding its  
2 purpose, do you agree with everything contained in the  
3 statement?

4 A. Yes, sir.

5 Q. Is there anything in the statement that you disagree with  
6 or take exception to?

7 A. No, sir.

8 Q. And if the case did proceed to trial, do you agree the  
9 United States could prove these facts beyond a reasonable  
10 doubt?

11 A. Yes, sir.

12 THE COURT: I am going to accept the statement and  
13 ask that it be filed.

14 BY THE COURT:

15 Q. Mr. Mattocks, based on the colloquy that we've conducted,  
16 I do find that your plea is voluntary to both counts, and  
17 that both counts are supported by facts, so I am entering an  
18 order accepting your plea. It remains for Judge Smith to  
19 adjudicate guilt in the case and to impose your sentence.

20 Do you understand this?

21 A. Yes, sir.

22 THE COURT: Counsel, I understand you-all have  
23 agreed on November 18th at 12:00 p.m. for sentencing.

24 Is that what you have, Mr. Dorsk?

25 MR. DORSK: Yes, sir.

1                   THE COURT: Mr. Kaplan?

2                   MR. KAPLAN: Yes, Your Honor.

3                   THE COURT: And, Mr. Dorsk, did you already review  
4 the Sentencing Procedures Order with Mr. Mattocks?

5                   MR. DORSK: I did, Judge, and he has a copy.

6                   THE COURT: All right.

7 BY THE COURT:

8 Q. Mr. Mattocks, I'm entering a sentencing procedures order,  
9 which you've reviewed with your counsel. This order outlines  
10 the process the Court will follow in arriving at your  
11 sentence. It describes the preparation of the presentence  
12 report, your right to object to the report if you disagree  
13 with anything it contains, and the consequences if you fail  
14 to object.

15                  Both you and your attorney will have an opportunity  
16 to speak and present evidence, if you wish, at the sentencing  
17 hearing, which we're going to schedule for November 18, 2021,  
18 at 12:00 noon.

19                  Do you understand?

20 A. Yes, sir.

21                  THE COURT: Okay. I've entered the Sentencing  
22 Procedures Order, and I've entered the order accepting the  
23 plea. I've also entered the sealed order that was  
24 presented.

25                  MR. DORSK: Thank you, Judge.

THE COURT: Mr. Kaplan, is there anything else for the United States?

MR. KAPLAN: Thank you, Your Honor, nothing else from the government.

THE COURT: All right.

Mr. Dorsk?

MR. DORSK: No, sir, Your Honor. Have a good weekend. Thank you.

THE COURT: You too. Thank you.

Mr. Mattocks, thank you.

THE DEFENDANT: Thank you, sir.

THE COURT: The defendant will be remanded.

Ms. Dodge, is that everything?

THE CLERK: Yes, sir.

THE COURT: All right. Thank you-all. Court will be in recess.

(Court stood in recess at 2:36 p.m.)

## CERTIFICATION

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

/s/

Jill H. Trail

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